

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

GLORY DAYS, INC.,

Plaintiff,

v.

**5:06-CV-036
(NAM/DEP)**

**GLORY DAYS, LLC, D/B/A
GLORY DAYS FOOD & SPIRITS,**

Defendant.

APPEARANCES:

DLA Piper Rudnick Gray Cary US LLP
1251 Avenue of the Americas
New York, New York 10020-1104
For Plaintiff

OF COUNSEL:

Christopher Strongosky, Esq.

Norman A. Mordue, Chief U.S. District Judge

DEFAULT JUDGMENT AND ORDER OF REFERRAL

Upon application of the plaintiff for entry of a default judgment and entry of a permanent injunction against defendant Glory Days, LLC, D/B/A Glory Days Food & Spirits, it is hereby

ORDERED that in view of default by defendant in failing to answer the complaint herein or make any appearance in this matter and the Clerk of the Court having entered default by defendant on March 13, 2006, and no appearance or objection having been made by defendant since that time, plaintiff's request for entry of default judgment against defendant Glory Days, LLC, D/B/A Glory Days Food & Spirits, is **GRANTED**; and it is further

ORDERED that this matter is referred to the Honorable David E. Peebles, United States

Magistrate Judge, for the purpose of conducting a hearing, or soliciting documentary evidence, pursuant to Rule 55 of the Federal Rules of Civil Procedure to take an account or to determine the amount of plaintiff's damages and to determine whether plaintiff is entitled to attorneys' fees and costs, and it is further

ORDERED that this matter is referred to Magistrate Judge Peebles for the purpose of making proposed findings of fact and conclusions of law regarding plaintiff's application for a permanent injunction; and it is further

ORDERED that Magistrate Judge Peebles shall thereafter prepare and forward to the undersigned a Report and Recommendation regarding the type and amount of such damages upon which he determines plaintiff is entitled to have judgment entered; and proposed findings of fact, conclusions of law, and recommendation for the disposition of plaintiff's application for a permanent injunction.

IT IS SO ORDERED.

Dated: October 16, 2006
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge